## STATE OF MICHIGAN

## COURT OF APPEALS

In the Matter of KHLOE S. CHRISTIE, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTOPHER PATRICK CHRISTIE,

Respondent-Appellant,

and

HEATHER BAUGHMAN,

Respondent.

Before: O'Connell, P.J., and Smolenski and Talbot, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3)(a)(ii), (g), and (j) were each established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999); *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent was incarcerated for all but 71 days of the child's life, including at the time of the termination hearing. He had a substance abuse problem, admitted using illegal drugs during his probation, and tested positive for opiates and cannabinoids on March 4, 2005, less than five months before the termination hearing. During the proceedings, he did not have a permanent home or employment. He had visited the child only once in her lifetime.

Respondent argues that the trial court erred in finding that the statutory grounds for termination were established because "throughout the time that this matter was before the court he struggled with substance abuse issues as well as financial and housing issues." However, the degree of difficulty in compliance does not afford respondent a basis for relief. With respect to

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No. 264953 Hillsdale Circuit Court Family Division LC No. 04-000612-NA § 19b(3)(a)(ii), the trial court correctly stated that "[t]his section of the law does not allow the respondent to make excuses for the desertion." With respect to § 19b(3)(g), the statutory language expressly indicates that it is to be applied "without regard to [the parent's] intent." With respect to § 19b(3)(j), respondent's admitted difficulties with substance abuse, finances, and housing support the trial court's finding that respondent "would subject this child to an environment of drugs just as was done prior to the child's birth."

Respondent also argues that he made progress toward placement of the child with him and that he produced exhibit evidence that was admitted by the trial court. He asserts that the court failed to refer to the exhibit, and he questions whether the court considered it.

Contrary to respondent's argument, the court specifically addressed respondent's exhibit at page ten of its opinion. The court recognized that respondent had attended classes while in jail, but concluded that "[d]oing classes in jail is good but that is a totally controlled environment. When on his own[,] he did nothing but avoid[] his daughter and his responsibility as a father." Despite respondent's efforts in obtaining assessments, attending classes in jail, and locating free temporary housing, the trial court concluded that the statutory grounds were established by clear and convincing evidence. The trial court did not clearly err in this determination.

Respondent's second stated issue concerns whether termination of his parental rights was contrary to the child's best interest. Because respondent does not discuss this issue in the body of his brief, it has been abandoned. *Wilson v Taylor*, 457 Mich 232, 243; 577 NW2d 100 (1998); *Prince v MacDonald*, 237 Mich App 186, 197; 602 NW2d 834 (1999).

Affirmed.

/s/ Peter D. O'Connell /s/ Michael R. Smolenski /s/ Michael J. Talbot